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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 vs.)

10 BRETT DEPUE,)

11 Defendant.)
12 _____)

CASE NO. 2:10-CR-121-RLH-RJJ

ORDER
DENYING AUTHORIZATION
(Authorization for Standby Counsel
to Act on Behalf of Defendant—#142)

13 Defendant Depue's Standby Counsel, Mace Yampolsky, has signed and filed an
14 **Authorization for Standby Counsel to Act on Behalf of Defendant for all Pretrial Matters (#142,**
15 filed February 21, 2012—a holiday). This authorization is rejected and denied.

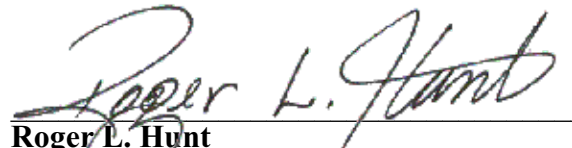
16 Defendant Depue has, against the advice of his attorney and this Court, elected to
17 represent himself in this matter. The case was previously tried resulting in a deadlocked jury and the
18 subsequent retrial which is to begin Monday next. The United States has filed several pre-trial
19 motions which must be addressed before trial begins again.

20 A defendant has the Constitutional right to represent himself. He may also elect to
21 forgo that right and permit counsel to resume representation of him. But he cannot use standby
22 counsel as co-counsel and he cannot bounce back and forth between representation by counsel and his
23 self-representation, simply for his convenience.

24 While he may seek stand-by counsel's assistance in providing him with direction,
25 information and suggestions, he may not authorize counsel to represent him unless he waives his right
26 to represent himself for the duration of the case.

1 IT IS THEREFORE ORDERED that the **Authorization for Standby Counsel to Act**
2 **on Behalf of Defendant for all Pretrial Matters** (#142) is REJECTED and DENIED.

3 Dated: February 22, 2012.

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6 **Roger L. Hunt**
7 **United States District Judge**
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